

REMARKS

Claims 3-6 are pending. No new matter has been introduced. Reexamination and reconsideration of the application are respectfully requested.

In the April 25, 2008 Office Action, the Examiner rejected claims 3 and 4 under 35 U.S.C. § 102 (b) as being unpatentable over Shigemi Maeda et al., JP07-121987 (hereinafter Sharp KK) in view of Beausoleil et al., U.S. Patent No. 5,564,019 (hereinafter Beausoleil). The Examiner rejected claim 5 under 35 U.S.C. 103(a) as being unpatentable over Sharp KK in view of Jung et al., U.S. Patent No. 6,868,463 (hereinafter Jung). Applicant respectfully traverses the rejections.

Applicant notes that in the Request for Continued Examination and Preliminary Amendment mailed on February 28, 2008, Applicant added dependent claim 6. However, the Examiner has not specifically acknowledged or addressed claim 6 in the April 25, 2008 Office Action. Instead, the Office Action indicates that only claims 3-5 are pending. Applicant respectfully requests that the Examiner enter and consider claim 6 of the present application.

Independent claim 3 recites:

A digital-audio-signal recording apparatus, comprising:
a storage section storing digital audio data;
a write section that writes data on a disk-shaped storage medium;
a control section that, when a write operation is to be performed by said write section for writing the digital audio data, stored on said storage section, to the disk-shaped storage medium, evaluates the status of an erasure state flag and if the erasure state flag is not indicative of an erased state, sets the erasure state flag within file management information to the erased state without erasing the file management information on said storage section, such that the digital audio data stored on said storage section *cannot be retrieved by any processing operation other than said write operation*, then causes said write section to write the digital audio data to the disk-shaped storage medium, *and after completion of the writing* of the digital audio data to the disk-shaped storage medium, *the control section sets file validity information for the digital audio data stored in the storage section to non-valid to disable further readout of the digital audio data stored in said storage section and then erases the digital audio data from said storage section*.

The Sharp KK reference does not disclose, teach, or suggest the apparatus specified in independent claim 3. As the Examiner has acknowledged, Sharp KK does not teach an apparatus having “a control section that, when a write operation is to be performed by said write section for writing the digital audio data, stored on said storage section, to the disk-shaped storage medium, evaluates the status of an erasure state flag and if the erasure state flag is not indicative of an erased state, sets the erasure state flag within file management information to the erased state without erasing the file management information on said storage section, such that the digital audio data stored on said storage section *cannot be retrieved by any processing operation other than said write operation*, then causes said write section to write the digital audio data to the disk-shaped storage medium, *and after completion of the writing of the digital audio data to the disk-shaped storage medium, the control section sets file validity information for the digital audio data stored in the storage section to non-valid to disable further readout of the digital audio data stored in said storage section and then erases the digital audio data from said storage section.*” (hereinafter **control section limitation**)

Sharp KK is directed to a disk recording apparatus using a rewriteable optical disk. Sharp KK discloses an apparatus which prevents the unjust digital copying of copyright protected information. The apparatus protects the copyright by recording desired main information reproduced from a first recording medium on a second recording medium and erasing the main information from the first recording medium. (*Sharp KK, Abstract*) Sharp discloses that while the digital copy recorded on the second recording medium as the main information on the first recording medium is performed, the apparatus prevents *editing* of the main information by

eliminating the main information to which the digital copy was performed (*i.e.*, the first recording medium). (*Sharp KK, paragraph 0016*)

The Examiner indicated that the copy protection disclosed in Sharp KK “[I]s similar to setting an erasure flag to disable retrieval by any other operation other than a write operation, or using a control section for setting file validity information to disable further readout of the digital audio data stored in the storage section.” In doing so, the Examiner explained that “It is similar because the prohibition of a disk eject before the erasure step blocks two or more copies from existing, and when the erasure step is completed the disk eject function is restored.” Applicant respectfully disagrees.

Applicant submits that the apparatus disclosed in Sharp KK is akin to the prior art devices described in the background section of the present application. In particular, the apparatus disclosed in Sharp KK has the same disadvantages as the prior art devices, namely, that inclusion of the a mechanical locking mechanism makes the digital audio signal apparatus more complicated, more expensive and provides an additional source of failure or malfunction.

In addition, the apparatus disclosed in Sharp KK prevents ejection of the storage medium, but Sharp KK fails to disclose an apparatus that “sets the erasure state flag within file management information to the erased state without erasing the file management information on said storage section, such that the ***digital audio data stored on said storage section cannot be retrieved by any processing operation other than said write operation.***” For example, Sharp KK fails to disclose, teach, or suggest that the digital audio data stored on the hard disk is no longer available for readout/playback. Therefore, Sharp KK does not disclose, teach, or suggest the control section limitation.

The Beausoleil reference does not make up for the deficiencies of the Sharp KK.

Beausoleil is directed to sharing computer disk storage devices between multiple computers with regulated access. (*Beausoleil*, 1:11-15) Beausoleil discloses a shared DASD facility lock file which manages access to the shared volume by the plurality of systems 110. Beausoleil discloses a plurality of computer systems 110a -110n arranged in a Local Area Network (LAN) which includes a LAN file server 112. The LAN file server includes one or more hard disk drives 113a-113n. The files on each of the hard disks simulate FBA DASD devices. Each volume of the disks that is to be shared among the systems 110 on the network appears to each workstation as a shared volume. All tracking and access control of the shared volume is done via the SDF lock file. Each SDF lock file consists of a master heart beat count (MCNT), map records and an end of file marker. Each system accessing the shared volume will have at least one map record in the SDF lock file. A map record consists of a system identification which identifies the system accessing the shared volume, a starting block or cylinder number, the number of cylinders or blocks accessed (the extent), a link flag indicating the access status of that system for this volume (read, write, none), a status flag indicating whether the system holding the access link is active (up) or inactive (down), and a heart beat count (HCNT). (*Beausoleil*, 3:15-57)

Beausoleil discloses a variety of access types and request types including a Lock request. The Lock request locks the requesting systems access to one extent (block or area to be locked) on a volume. (*Beausoleil*, 4:5-52) In other words, a system of the plurality of systems may only access an identified limited portion of a volume of a disk. However, this is not the same as setting "the erasure state flag within file management information to the erased state without erasing the file management information on said storage section, such that the *digital audio data stored on said storage section cannot be retrieved by any processing operation other than said*

write operation." Beausoleil discloses flags which indicate link status and activity, but there is no suggestion that by setting these flags, the data in the locked extent *cannot be retrieved by any processing operation other than said write operation.*

Also, Beausoleil does not disclose that other systems are prevented from accessing the same locked extent to, for example, read or copy the data stored therein. As such, no copy protection is provided. Rather, the flags disclosed in Beausoleil are intended to help maintain data integrity by controlling access to the shared volume of data. Therefore, the combination of Sharp KK and Beausoleil does not disclose, teach, or suggest the control section limitation.

The Jung reference does not make up for the deficiencies of Sharp KK and Beausoleil. The Jung reference discloses an audio data recorder which uses an ATAPI bus for transferring audio data. However the combination of Sharp KK, Beausoleil, and Jung does not disclose, teach or suggest an apparatus including the control section limitation. Accordingly, Applicant respectfully submits that independent claim 3, distinguishes over Sharp KK in combination with Beausoleil and Jung.

Claims 4-6 depend from independent claim 3. Accordingly, Applicant respectfully submits that claims 4-6 distinguish over Sharp KK in combination with Beausoleil and Jung for the same reasons set forth above with respect to independent claim 3.

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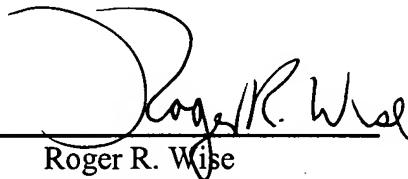
Applicant believes that the claims are in condition for allowance, and a favorable action is respectfully requested. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles telephone number (213) 488-7100 to discuss the steps necessary for placing the application in condition for allowance should the Examiner believe that such a telephone conference would advance prosecution of the application.

Respectfully submitted,

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By: _____


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